

Senate Bill No. 525

CHAPTER 93

An act to add Section 11519.1 to the Government Code, and to amend Section 11703.2 of the Vehicle Code, relating to administrative hearings.

[Approved by Governor July 20, 2007. Filed with
Secretary of State July 20, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

SB 525, Lowenthal. Administrative hearings: restitution orders.

Under existing law, a violation of certain requirements governing manufacturers, manufacturer branches, remanufacturers, remanufacturer branches, distributors, distribution branches, transporters, and dealers, licensed by the Department of Motor Vehicles, may be adjudicated in an administrative hearing.

This bill would allow an administrative decision rendered against a licensee for a violation of these requirements to include an order of restitution for any financial loss or damage found to have been suffered by a person in the case. The failure to pay the restitution would be separate grounds for the department to refuse to issue a license to a licensee.

The people of the State of California do enact as follows:

SECTION 1. Section 11519.1 is added to the Government Code, to read:

11519.1. (a) A decision rendered against a licensee under Article 1 (commencing with Section 11700) of Chapter 4 of Division 5 of the Vehicle Code may include an order of restitution for any financial loss or damage found to have been suffered by a person in the case.

(b) The failure to make the restitution in accordance with the terms of the decision is separate grounds for the Department of Motor Vehicles to refuse to issue a license under Article 1 (commencing with Section 11700) of Chapter 4 of Division 5 of the Vehicle Code, and constitutes a violation of the terms of any applicable probationary order in the decision.

(c) Nothing in this section is intended to limit or restrict actions, remedies, or procedures otherwise available to an aggrieved party pursuant to any other provision of law.

SEC. 2. Section 11703.2 of the Vehicle Code is amended to read:

11703.2. The department may refuse to issue a license to a manufacturer, manufacturer branch, remanufacturer, remanufacturer branch, distributor, distributor branch, transporter, or dealer, when the department determines that either of the following apply to the applicant:

(a) An outstanding and unsatisfied final judgment rendered against the applicant exists in connection with the purchase, sale, or lease of any vehicle.

(b) An outstanding and unsatisfied restitution order issued against the applicant under subdivision (a) of Section 11519.1 of the Government Code exists.

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